

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Scott Hutchison Enterprises, Inc., et al., : Civil Action No. C-1-01-776
:
Plaintiffs : Judge Weber
:
v. : **AFFIDAVIT OF KEVIN J. WALDO IN**
: **SUPPORT OF DEFENDANT BOGGS'**
Rhodes, Inc., et al., : **MOTION FOR SUMMARY**
: **JUDGMENT AGAINST DEFENDANTS**
Defendants : **RHODES, ZIMMER, AND GEISLER**

Defendant H.T. Boggs hereby submits the attached affidavit of Kevin J. Waldo in support of his motion for summary judgment against Defendants Rhodes, Zimmer, and Geisler (doc. no. 151).

Respectfully submitted,



Thomas R. Schuck (0005336)
Trial Attorney for Defendant H.T. Boggs
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957
(513) 381-2838

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing Affidavit of Kevin J. Waldo in Support of Defendant Boggs' Motion for Summary Judgment Against Rhodes, Zimmer, and Geisler upon the following counsel of record and unrepresented parties electronically or by regular United States mail, postage prepaid this 10th day of February, 2006.



Thomas R. Schuck

William P. Schroeder, Esq.
11935 Mason Road, Suite 100
Cincinnati, Ohio 45249
Attorney for Plaintiffs

E. David Marshall, Esq.
271 West Short Street, Suite 111
Lexington, Kentucky 40507

James M. Zimmer, *pro se*
3164 Roxbury Drive
Lexington, Kentucky 40503

H. Jack Geisler, *pro se*
33868 Moundview Court
Lexington, Kentucky 40502

AFFIDAVIT OF KEVIN J. WALDO

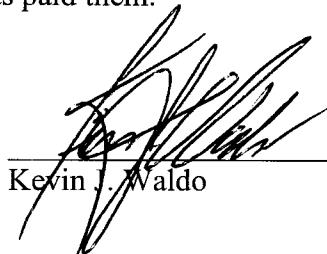
COUNTY OF LAWRENCE)
STATE OF OHIO) ss:
)

Kevin J. Waldo, having first been duly cautioned and sworn, states as follows:

1. I am an attorney admitted to practice law in the State of Ohio and serve as co-counsel to H.T. Boggs, a defendant in Civil Action No. C-1-01-776, pending in the United States District Court for the Southern District of Ohio, in which capacity I have personal knowledge and am competent to testify with respect to the matters set forth herein.

2. I invoiced Mr. Boggs a total of \$26,000 for my attorney's fees and expenses incurred on his behalf through August 31, 2005 in connection with my representation of him in this action. These fees and expenses were actually and necessarily incurred on his behalf, and he has paid them.

Further affiant sayeth naught.



Kevin J. Waldo

Sworn to and subscribed before me this 22nd day of December, 2005

Pamela K. Howe
Notary Public

My Comm. expires: 11/2/07

WALDO LAW OFFICE

413 CENTER STREET • P.O. BOX 4252
IRONTON, OHIO 45638

Phone 1-740-532-4911
Fax 1-740-532-9011

July 15, 2004

Mr. Thomas Schuck
Attorney-at-Law
425 Walnut Street, Ste. 1800
Cincinnati, OH 45202-3957

Dear Mr. Schuck:

My fee for representation of Mr. Tom Boggs in legal matters relating to the lawsuit filed in the Southern Federal District Court in Cincinnati, Ohio to date is \$22,500.00. This fee would include counseling, real estate abstracts on all related real property, consults with neighboring land owners, engineering firm consult, closing assistance at time of sale, banking/financial assistance, numerous phone calls with Mr. Boggs and related professionals associated with the case, sworn deposition of myself, attendance at depositions in Florida (3 days), as well as consistent communication with attorneys involved and review of all pleadings in the case.

Sincerely,

Kevin J. Waldo

KJW:pkr

SP 1

WALDO LAW OFFICE
413 CENTER STREET • P.O. BOX 4252
IRONTON, OHIO 45638

Phone 1-740-532-4911
Fax 1-740-532-9011

September 14, 2005

Mr. Thomas Schuck
Attorney-at-Law
425 Walnut Street, Ste. 1800
Cincinnati, OH 45202-3957

Dear Mr. Schuck:

As per my secretary's phone conversation with Ms. Leslie Adams from your office, my fee for representation of Mr. Tom Boggs in legal matters relating to the lawsuit filed in the Southern Federal District Court in Cincinnati, Ohio to date is an additional \$3,500.00. This fee would include counseling, real estate abstracts on all related real property, consults with neighboring land owners, engineering firm consult, closing assistance at time of sale, banking/financial assistance, numerous phone calls with Mr. Boggs and related professionals associated with the case, sworn deposition of myself, attendance at depositions in Florida (3 days), as well as consistent communication with attorneys involved and review of all pleadings in the case.

Sincerely,

Kevin J. Waldo

KJW:pkr